

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

Committee of the Whole 7:30 P.M.
Stated Meeting 8:00 P.M.
City Council Chambers

TIME:_____

PRESENT: PRESIDENT OF THE COUNCIL
 LIAM J. MCLAUGHLIN

DISTRICT:

6	MAJORITY LEADER JOHN J. LARKIN
3	MINORITY LEADER MICHAEL R. SABATINO

COUNCIL MEMBERS:
DISTRICT:

1	CHRISTOPHER A. JOHNSON
2	CORAZON PINEDA
4	DENNIS E. SHEPHERD
5	MICHAEL B. BREEN

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on February 24, 2015 approved on motion of Majority Leader Larkin.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

INDEX

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1.	LOCAL LAW – AMENDING CHAPTER 46 OF THE CODE – PARKING LOTS - ENTRANCES & EXITS	7/8
2.	LOCAL LAW – AMENING CHAPTER 103 OF THE CODE - STREETS & SIDEWALKS – CURB CUTS	9/10
3.	LOCAL LAW – AUTHORIZING CONVEYANCE OF 1086 NORTH BROADWAY – BOYCE THOMPSON TO SDC REALTY	11/16
4.	GENERAL ORDINANCE – AMENDING CHAPTER 43-36 OF THE CODE – SUPPLEMENTAL REGULATIONS FOR CERTAIN BUSINESS, COMMERCIAL & OFFICE USES IN THE IP DIST	17/19
5.	GENERAL ORDINANCE – AMENDING THE CODE COIN OPERATED DEVICES – NEUTRAL IMPACT	20/26
6.	SPECIAL ORDINANCE – CONFIRMING THE TAX ROLL FOR WESTCHESTER COUNTY TAXES FOR CALENDER YEAR 2015	27
7.	RES – APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN YONKERS & LOCAL 628	28
8.	RES - RELEASE OF FUNDS HELD FOR HIGHWAY STUDY TO RIDGE HILL	29/30
9.	RES –SEQRA - PLANNED MIXED USE INDUSTRIAL PARK (IP) ZONE	31/32
10.	RES - SEQRA – SALE OF 1086 NORTH BROADWAY BOYCE THOMPSON	33
11.	RES – RELEASE & CONSENT TO TRANSFER 133-141 WAVERLY STREET	34/35

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

INDEX

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
12.	RES – AUTHORIZING THE MAYOR TO EXECUTE THE NYSDOT UNDERTAKING AGREEMENT	36
13.	RES – HOME RULE MESSAGE - BONDS & NOTES	37
14.	RES – HOME RULE MESSAGE – MORTGAGE RECORDING TAX	38
15.	RES – HOME RULE MESSAGE – INCOME TAX SURCHARGE & NON RESIDENT EARNINGS TAX	39
16.	RES – SPECIAL USE PERMIT – PLANNED URBAN REDEVELOPMENT – PARCELS B & C OF WATERFRONT	40/41

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

COMMUNICATIONS FROM CITY OFFICIALS

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

COMMUNICATIONS - GENERALLY

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

COMMITTEE OF THE WHOLE

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

LOCAL LAW

1. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

A LOCAL LAW AMENDING CHAPTER 36 OF THE CODE OF THE CITY OF YONKERS ALSO KNOWN AS "PARKING LOTS" IN RELATION TO ENTRANCES AND EXITS

Be it ordained by the City Council of the City of Yonkers, as follows:

Section 1. Chapter 36 of the Yonkers City Code entitled "Parking Lots" is hereby generally amended and revised, in part by amending Section 36-13 entitled "Entrances and exits.", to read as follows:

"§ 36-13. Entrances and exits.

A. Each parking lot shall have not more than two entrances and one common exit over the public sidewalks, which may or may not be combined. The licensee shall keep such entrances and exits properly attended at all times during the period the parking lot is in operation for transient or hourly business after 6:00 p.m. Driveways shall not exceed 26 feet in width at the curb or gutter line; adjacent driveways must be separated by an island at least six feet in width; and driveways shall be at least 25 feet from the curbline of any intersecting street.

B. There shall be not more than two curb cuts on any street frontage. No license shall be issued for a parking lot for which a drop curb permit has not been issued.

- A. The City Engineer, on ten days written notice to the City Council, may waive or grant exceptions or modifications to the dimensions required in this section, based on consideration of expected turnover, nature of occupancy, volume and pattern of traffic circulation, vehicle size, angle of parking, nature of structure and accepted engineering practice. Such notice must be given at least ten days before the approval takes effect. No curb cut will be granted unless permitted by the City Engineer based upon engineering principles and for the benefit of the City of Yonkers.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

LOCAL LAW (CONTINUED)

- B. The City Engineer, on ten days written notice to the City Council, may waive or grant exceptions or modifications to the dimensions required in this section, based on consideration of expected turnover, nature of occupancy, volume and pattern of traffic circulation, vehicle size, angle of parking, nature of structure and accepted engineering practice. Such notice must be given at least ten days before the approval takes effect. If any member of the City Council objects to the exception or modification, then the matter is referred to the City Council as a whole for review and the permit should be granted, denied or modified within twenty days from receipt.

Section 2. This Local Law shall take effect pursuant to the provisions of the Municipal Home Rule Law of the State of New York

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

LOCAL LAW

2. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

A LOCAL LAW AMENDING CHAPTER 103 OF THE CODE OF THE CITY OF YONKERS ALSO KNOWN AS "STREETS AND SIDEWALKS" IN RELATION TO CURB CUTS.

Be it ordained by the City Council of the City of Yonkers, as follows:

Section 1. Chapter 103 of the Yonkers City Code entitled "Streets and Sidewalks" is hereby generally amended and revised, in part by amending Article III entitled "Cutting of curbs and change of grade.", Section 103-16 entitled "Inspection; location of cut." to read as follows:

"§ 103-16 Inspection; location of cut.

C. The City Engineer, upon the filing of any such application, shall cause an inspection to be made of the premises and shall thereafter determine the distance or length along any street, avenue or highway in which the curb may be cut or lowered and/or the grade of the sidewalk may be changed and the point or points, location or locations in such curb or sidewalk at which such alteration may be made; provided, however, that permission shall not be granted to cut or lower a curb or to change the grade of a sidewalk for a distance or length along any street, avenue or highway of more than 30 feet nor within 10 feet of any other section of the curb on any street, avenue or highway that has been or is to be cut or lowered, nor shall permission be granted to cut or lower a curb or to change the grade of a sidewalk at the corner or intersection of streets, avenues or highways between lines extended from lines of property situate at any such corner or intersection. No curb cut will be granted unless permitted by the City Engineer based upon engineering principles and for the benefit of the City of Yonkers.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

LOCAL LAW (CONTINUED)

The City Engineer, on ten days written notice to the City Council, may waive or grant exceptions or modifications to the dimensions required in this section, based on consideration of expected turnover, nature of occupancy, volume and pattern of traffic circulation, vehicle size, angle of parking, nature of structure and accepted engineering practice. Such notice must be given at least ten days before the approval takes effect. If any member of the City Council objects to the exception or modification, then the matter is referred to the City Council as a whole for review and the permit should be granted, denied or modified within twenty days from receipt .

Section 2. Chapter 103 of the Yonkers City Code entitled "Streets and Sidewalks" is hereby generally amended and revised, in part by amending Article III entitled "Cutting of curbs and change of grade.", Section 103-19 entitled "Dangerous use of driveway." to read as follows:

"§ 103-19. Dangerous use of driveway.

Should the vehicular or other uses of such driveway, in the opinion of the City Engineer, be or become dangerous to pedestrians, said Engineer shall give notice, in writing, to the owner of record of the abutting premises to discontinue such use of such driveway and to restore, within 10 days, such curb and sidewalk to their original or proper condition or if conditions warrant, the City Engineer may order a change in the size of the existing driveway to alleviate or prevent a dangerous condition. "

Section 3. This Local Law shall take effect pursuant to the provisions of the Municipal Home Rule Law of the State of New York

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

LOCAL LAW

3. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

LOCAL LAW AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY (FORMER BOYCE THOMPSON INSTITUTE AND GREENHOUSES) (1086 NORTH BROADWAY) (SECTION 3, BLOCK 3455, LOT 66) TO SDC REALTY ACQUISITION LLC FOR THE DEVELOPMENT OF SAID PROPERTY TO BE USED FOR THE CONSTRUCTION AS SET FORTH BELOW.

Be it enacted by the City Council of the City of Yonkers, as follows:

Section 1. General City Law, Section 23 of the Second Class Cities Law

Section 37 is hereby superseded to the extent herein provided as follows:

SDC REALTY ACQUISITION LLC, 1000 Main Street, New Rochelle, New York 10801 (hereinafter referred to as "SDC") has expressed an interest to the City of Yonkers in rehabilitating property located at 1086 North Broadway, Yonkers, New York, and identified on the Official Tax Map of the City of Yonkers as Section 3, Block 3455, Lot 66 (hereinafter the "Boyce Thompson Property" or "Property"), and which property is not currently being used nor has it been designated for specific use in the future nor can it be utilized by the City of Yonkers ("City") for its intended municipal purpose and is thereby considered surplus, the City Council of the City of Yonkers hereby authorizes the Mayor to execute a land disposition agreement ("LDA") containing substantially the same terms and conditions as set forth below with SDC for the sale and development of the City owned property known as the Boyce Thompson Property ("Project").

Section 2. The sale is subject to the following express terms and conditions:

Purchase Price: \$4,250,000.00, payable as follows:

- (a) \$212,500.00 previously deposited by SDC with the City at the time of submission of SDC's Response to the City's RFP 249;
- (b) \$212,500.00 to be delivered on execution and delivery of the LDA;
- (c) \$3,825,000.00 to be paid at the Closing.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

LOCAL LAW (CONTINUED)

Release of Deposit: The deposit will be held in escrow for the account of the City by the Department of Finance and Management Services, and released as follows: (i) upon receipt by SDC of the Zoning Approval, \$25,000 of the deposit shall become non-refundable and shall be released to the City; (ii) upon receipt of site plan and special permit approvals for the Project (if necessary) from the Planning Board (and the City Council, if necessary), or upon a determination that site plan and special permit approvals are not required for the Project, \$50,000 of the Deposit shall become non-refundable and shall be released to the City; and (iii) upon the receipt of final governmental approvals, \$75,000 of the Deposit shall become non-refundable and shall be released to the City. Each Release shall be applied to the payment of the Purchase Price at Closing, and shall be refunded to SDC prior to Closing only in the event that the City is unable to Close under the terms of this Agreement and SDC is not in default, or if the Closing does not occur for any reason other than the default of SDC or the termination of the LDA at the option of the SDC or the City by reason of failure to obtain Approvals.

Date of Closing. Closing shall occur on the later of the following: (i) the expiration of 120 calendar days from receipt of the last of the final governmental approvals required for the Project; (ii) the expiration of 60 calendar days from issuance of a building permit for the construction of the Improvements; and, provided that SDC has complied with all of its obligations to apply for construction funding, (iii) the expiration of 60 calendar days from issuance of a commitment for construction financing.

Improvements. The SDC will construct certain improvements which shall include the following principal elements which are more particularly described in SDC's conceptual development plan to be attached to the LDA: (A) Restoration, renovation or demolition of existing structures; (B) the construction and equipping of an approximately 18,000 square foot, two-story addition to the existing structure and a new free standing two level glass and aluminum building, all intended to contain a combination of uses, including retail stores, banks, offices, medical offices, commercial schools and/or restaurants; and (C) certain municipal traffic and pedestrian improvements, which may include (i) installation of a traffic signal at the intersection of North Broadway with the driveway entrance to Foxfire School and the relocated driveway entrance to the Property; (ii) widening of the northbound North Broadway at the entrance to the Property to provide a wide shoulder; (iii) widening of North Broadway to provide a bus pull-off area north of the driveway entrance to the Property; (iv) installation of a sidewalk along the North Broadway frontage of the Property; and (v) signal timing improvements at the intersections of North

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

LOCAL LAW (CONTINUED)

Broadway and Executive Boulevard, and Executive Boulevard and Enterprise Boulevard; (vi) secondary access to Executive Plaza.

Construction Plan Submission for Building Permit. The construction plans for the Project shall be completed and delivered to the Building Department within 60 days after receipt of the last of the final governmental approvals ("Construction Plans"). The Construction Plans shall comply with all legal requirements and shall substantially conform in all material respects to the conceptual development plan, except to the extent of any modifications approved or deemed approved by the City. All required building permits shall be issued within 45 days after submission to the Building Department of Construction Plans which meet the foregoing requirements. SDC will provide to the City a construction schedule when SDC submits the Construction Plans to the Building Department.

Commencement and Substantial Completion of Construction. The construction of the improvements shall commence within 120 days after Closing, shall be prosecuted with all reasonable diligence and without interruption, subject to unavoidable delays, and shall be substantially completed no later than 30 months after the Closing Date. Any extension(s) due to unavoidable delay shall not exceed twelve (12) months.

Completion Guaranty. SDC shall provide to the City at Closing a guaranty of completion of the Improvements by Joseph Simone.

Environmental Remediation: SDC shall be responsible for all costs in connection with any environmental pollution or hazardous substances on the Property. SDC will provide to the City at Closing environmental insurance in the amount of \$5,000,000; provided however, if SDC's Lender requires personal guarantees of the principals of SDC in lieu of environmental insurance, then SDC shall provide the City with original guaranty agreements in the same form and on the same terms and conditions as provided to the Lender. SDC shall have the option to apply to the N.Y.S. Department of Environmental Conservation for financial assistance for environmental remediation and for certain tax credits available under the Brownfield Clean-up Program, as the same may be extended, modified or replaced, if the is in need of environmental remediation. In the event of such DEC application, the City agrees to assist in the application process.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

LOCAL LAW (CONTINUED)

Closing Costs. All real property transfer taxes payable by reason of the conveyance of title as provided for in this Agreement and any costs related to the recordation of the deed shall be paid by SDC. SDC shall pay the costs of any title insurance or surveys obtained by SDC. All other closing costs not specifically allocated by this Agreement shall be allocated in accordance with local custom in Westchester County, as determined by the title company.

SEQRA. SDC shall be responsible for preparing all materials and studies required for compliance with SEQRA at SDC's sole cost and expense.

PILOT. Prior to Closing, SDC shall have the option to negotiate the terms of a PILOT Agreement with the Yonkers IDA pursuant to which the Property shall be exempt from real property tax for a period (the "Exemption Period") commencing on the Closing Date and expiring on the fifth (5th) anniversary thereof, subject to the obligation of the SDC to make payments in lieu of taxes during the Exemption Period as follows: (a) for the period from the Closing Date to the third (3rd) anniversary thereof, in an amount equal to the amount of real property taxes that would have been payable for the Property if assessed as vacant and unimproved land; and (b) for the period from the third (3rd) anniversary of the Closing Date to the fifth (5th) anniversary of the Closing Date, in an amount equal to the amount of real property taxes that would have been payable for the Property if assessed at sixty-five percent (65%) of the value thereof upon substantial completion of the construction work.

Payment of Costs and Expenses. The cost of obtaining the governmental approvals and any costs associated with the IDA, which shall include, without limitation, filing fees and fees of SDC's and the IDA's attorneys and consultants, shall be paid by SDC.

Options to Terminate. A. SDC shall have the option to terminate this Agreement in the event that the SDC shall fail, despite its best efforts, to obtain the governmental approvals required to construct the improvements on or before December 31, 2015. Upon such termination by SDC, SDC shall receive a refund of so much of the Deposit as shall not have become non-refundable. B. Provided that the City shall have acted in good faith in the consideration of the applications for governmental approvals, the City shall have the option to terminate this Agreement in the event that the SDC shall fail to obtain the governmental approvals required to construct the improvements on or before December 31, 2016. Upon such termination by the City, SDC shall receive a refund of so much of the Deposit as shall not have become non-refundable

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

LOCAL LAW (CONTINUED)

Assignment Restricted. Prior to the final completion, SDC may not transfer or assign more than a 50% interest in the LDA or the Property, except to an affiliate.

Property "As Is". SDC agrees to take the Property "as is", and in its present condition, subject to any deterioration of any kind, nature or extent, between the date of the LDA and the Closing Date. The City shall have no obligation to make any repairs to the Property of any nature or description between the date hereof and the Closing Date.

Limitation of Liability of the City. SDC agrees that it shall look solely to the interest in the Property owned by the City for the enforcement of any remedy or the satisfaction of any obligation or liability of the City under or in connection with the LDA, and SDC shall not enforce any remedy or execute or collect any judgment out of or against any other assets or properties of the City. The City shall not be required to make any payment or incur any expense in order to transfer title to the Property to the SDC, or to perform any other obligations of the City to the SDC under the LDA, except to the extent that such payment or expense can be made from the purchase price paid to the City, net of all of the City's other expenses of the sale. None of the officers, directors, members, officials, employees or agents of the City shall have any personal obligations or liability under the LDA, or by reason of any action taken or not taken in connection therewith.

Application for Financing. Not later than 60 days after receipt of final governmental approvals subject to any appeals undertaken by others in connection therewith, SDC shall make application to an institutional lender for a commitment to make a loan (the "Construction Loan") to SDC of funds to be used or applied in connection with the development, restoration, renovation and construction of the Improvements on the Property or part thereof (including without limitation, interest and soft costs), in such amount, and upon such terms and conditions, as are sufficient to enable the SDC to complete the development, restoration, renovation and construction of the improvements.

Feasibility Period; Option to Terminate. SDC shall have a period of 30 days after execution of the LDA to investigate the condition of the Property and the suitability of the Property for the SDC's intended purposes. If SDC shall determine, in its sole discretion and for any reason or no reason whatsoever, that the Property is unsuitable for SDC's intended purposes, then SDC may terminate this Agreement upon written notice given to the City prior to the expiration of such 30-day period, in which event the

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

LOCAL LAW (CONTINUED)

Deposit together with any interest earned thereon, but less any amounts payable to the City as reimbursable expenses pursuant to the Letter of Intent between the City and SDC dated August 25, 2014, shall be returned to SDC, and thereafter neither party shall have any further liability or obligation to the other hereunder.

Indemnification. SDC shall indemnify, defend and hold the City harmless from any and all liabilities, losses, damages, penalties, judgments, awards, claims, demands, costs and/or expenses arising from the LDA or the design and construction of the Improvements.

Additional Terms and Conditions: The Mayor or his authorized designee shall negotiate such other terms and conditions which are in the best interest of the City of Yonkers.

Section 3. This local law shall take effect as provided by law.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE

4. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

A GENERAL ORDINANCE AMENDING SECTION 43-36 OF THE ZONING CODE OF THE CITY OF YONKERS IN REGARD TO SUPPLEMENTAL REGULATIONS FOR CERTAIN BUSINESS, COMMERCIAL AND OFFICE USES IN THE IP DISTRICTS.

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1. Chapter 43 of the Code of the City of Yonkers, also known as the "Zoning Ordinance", is hereby amended, in part by revising "Table 43-1 – Schedule of Use Regulations" as follows:

- a) Insert alphabetically a new use entitled "Planned Mixed Use" under the category entitled "Business, Commercial, and Office Uses".
- b) Insert a "Ps" in the columns for IP districts.

Section 2. Section 43-8 of the Zoning Code of the City of Yonkers is hereby amended by inserting the following definition alphabetically:

Planned Mixed Use

A building or complex of buildings consisting of a minimum of 70,000 square feet of gross floor area designed and developed to blend a combination of business, commercial, office, retail, restaurant, , and/or industrial uses, whose functions are physically and functionally integrated.

Section 3. Chapter 43 of the Code of the City of Yonkers, also known as the "Zoning Ordinance of the City of Yonkers" is hereby further amended, in part, by adding a new subsection, Section 43-36 (L) Planned Mixed Use, as follows:

"Section 43-36(L). Planned Mixed Use.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE (CONTINUED)

- 1) Any single building or group of buildings of containing a minimum of 70,000 square feet of gross floor area in the IP zones shall adhere to the requirements of this subsection, and shall be considered a planned mixed use development for the purposes of this Chapter.
- 2) Permitted uses within the planned mixed use development shall include those uses permitted in the district in which they are located as per Table 43-1, Schedule of Use Regulations. Notwithstanding the above, the following additional uses shall also be permitted in a planned mixed use development: retail establishments, personal service establishments, restaurants, provided that the aggregate of such uses in this subsection (b) does not exceed fifty (50) percent of the gross square footage of development on the site.
- 3) The planned mixed use development shall be designed as a single complex with a comprehensive site plan showing internal site circulation, landscaping, building design, facade treatments, and signage.
- 4) To the extent possible, the number of curb cuts shall be limited to one (1) entrance and exit per street frontage, except where such street frontage exceeds a distance of four hundred (400) feet.
- 5) Off-street loading and delivery areas may be co-located with parking upon the provision of credible evidence by the applicant that such co-location will not impair the ability to provide parking as required by uses at the site. Credible evidence shall consist of a shared use analysis to the satisfaction of Traffic Engineer which demonstrates that the loading and parking will occur at different times of the day.
- 6) Off-street parking areas shall be designed to provide safe and efficient circulation and shall provide adequate space for snow storage. In addition, off-street parking areas shall be suitably landscaped with appropriate trees, shrubs, ground cover, and other plant materials to ensure the establishment of a safe, convenient, and attractive facility.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE (CONTINUED)

- 7) A comprehensive signage plan shall be provided which includes overall project identification, individual building/tenant identification, traffic, and directional signage, and street, and parking identification and instructions.
- 8) Off-street parking ratios may be amended to 1 space per 200 square feet of gross square footage for all permitted uses in the planned mixed use development based upon credible evidence acceptable to the Planning Board that the mix of uses proposed for the planned mixed use development will have such differing peak hours and days of parking demand to permit the successful operation of the site. Such evidence shall also demonstrate to the satisfaction of the Planning Board, with the assistance of the Traffic Engineer, that on-site parking will not negatively impact *off-* site parking resources.
- 9) The planned mixed use center will provide accommodations for mass transit in the site plan, if such mass transit serves the site. Such accommodations may include, but are not limited to, enhanced bus stops, bus pull-offs, safe pathways from transit to building entrance and the like."

Section 4. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE

5. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

A GENERAL ORDINANCE GENERALLY AMENDING THE YONKERS CITY CODE IN REGARD TO COIN OPERATED DEVICES.

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. That Chapters 27, 30 and 33 of the Code of the City of Yonkers, more commonly known as the Consumer Protection Code of the City of Yonkers is hereby generally amended and revised in part, by amending Chapter 27 thereof, in part, to read as follows:

"Chapter 27, AMUSEMENTS

ARTICLE I, [Coin] Currency-Operated Music Devices

§ 27-1. License required.

It shall be unlawful to operate a [coin] currency-operated automatic music machine, commonly known as a "jukebox," or a [coin] currency-operated machine in connection with which a sound track is played in the City of Yonkers unless the owner thereof shall have obtained a license from the Director of the Office of Licensing.

ARTICLE III, Coin-Operated Amusement Devices

§ 27-36. Definitions.

As used in this article, the following terms shall have the meanings indicated:

[COIN] CURRENCY-OPERATED AMUSEMENT DEVICE -- Any machine which, upon the insertion of a coin or other currency, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include but is not limited to the type of machine commonly known as "bagattelle," "baseball," "football," "pinball" or "video games." This article shall exclude any device, the possession or use whereof is otherwise prohibited by law.

§ 27-37. License required.

No person shall place or keep in such person's premises or place of business, for use by the public, any mechanical amusement device, as herein defined, unless such premises or place of business is licensed

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE (CONTINUED)

therefore by the City of Yonkers. Application for such license shall be made to the Director of the Office of Licensing upon forms to be supplied by the Director of the Office of Licensing for that purpose."

Section 2. That Chapter, 30 of the Code of the City of Yonkers, more commonly known as the Consumer Protection Code of the City of Yonkers, entitled "Laundromats and coin operated dry cleaning establishments." is hereby generally amended and revised in part, by amending Chapter 30 thereof, in part, to read as follows:

"Chapter 30, LAUNDROMATS AND [COIN] CURRENCY-OPERATED DRY-CLEANING ESTABLISHMENTS

ARTICLE I, Laundromats

§ 30-6. General provisions.

B. Only automatic [coin] currency-operated laundromats shall be operated on Sundays.

ARTICLE II, [Coin] Currency-Operated Dry-Cleaning Machines.

§ 30-13. Definitions.

Unless otherwise expressly stated, when used in this article, the following words and phrases shall have the meanings herein respectively ascribed to them:

[COIN] CURRENCY-OPERATED DRY-CLEANING MACHINE -- The machinery and equipment in which coin or other currency-operated dry cleaning shall be conducted.

[COIN] CURRENCY-OPERATED DRY CLEANING -- The cleaning of textiles, fabrics, garments or other articles by the use of any solvent other than water in a dry-cleaning unit designated to be used or used by the general public. For the purposes of this definition, the term "used by the general public" shall be deemed to refer to the insertion of such textiles, fabrics, garments or other articles into a dry-cleaning unit or the removal of the same from such unit by a person or persons other than any employee of a dry-cleaning establishment or a person owning and operating such establishment.

§ 30-14. License required.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE (CONTINUED)

It shall be unlawful for any person to establish, maintain or operate a [coin] currency -operated dry-cleaning machine without having procured from the Director a license to conduct such business.

§ 30-15. Application; special requirements.

A. The application for a license or for any renewal thereof to conduct a [coin] currency -operated dry-cleaning machine shall be in writing and shall state the specific location where said business is to be established, maintained and operated and the maximum number of persons to be employed therein. The Office, before issuing any such license, shall cause an investigation to be made of the premises named and described in such application by the Fire Department and other appropriate city agencies, for the purpose of determining whether the provisions of the Yonkers Fire and Building Code and all other applicable state and local safety and fire regulations are fully complied with.

B. If the Office shall be satisfied that the proposed [coin] currency -operated dry-cleaning machine and the premises wherein it is located conform to the provisions of this article and other laws relating thereto, it shall issue or cause to be issued a license authorizing such applicant to establish, maintain, conduct or operate a [coin] currency - operated dry-cleaning machine at the place designated in such application for and during the period of such license.

§ 30-16. License fee and bond.

Prior to the issuance of a license to establish, maintain and operate a [coin] currency -operated dry-cleaning machine, each applicant therefor shall pay an annual fee in the sum of twenty dollars (\$20.) for each [coin] currency-operated dry-cleaning machine on the premises, plus an annual fee of thirty-five dollars (\$35.) to the Comptroller, and furnish a bond to the Office in the amount of five thousand dollars (\$5,000.). The bond shall be executed with two (2) or more sureties or a duly authorized surety company approved by the Office, shall be payable to the City of Yonkers and shall be conditioned for compliance with the provisions of this chapter and any amendment thereto, and upon the further condition that the licensee will pay to the City any fine, penalty or any other obligation within thirty (30) days of its imposition, and shall be subject to the approval of the Corporation Counsel.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE (CONTINUED)

§ 30-18. General provisions.

A. Each license holder shall notify the Office promptly of any proposed sale, assignment or change in ownership of the premises affected hereunder.

B. No [coin] currency-operated dry-cleaning machine shall be operated on Sundays or legal holidays.

C. The time for the operation of [coin] currency -operated dry-cleaning machines shall be restricted to the hours between 8:00 a.m. and 8:00 p.m.

D. [Coin] Currency -operated dry-cleaning equipment locations must be approved by the Fire Department prior to the installation of machinery. A floor plan showing the building outline and all equipment shall accompany the license application. Approval will not be granted for buildings occupied in part as a dwelling.

E. No [coin]] currency -operated dry-cleaning machine shall be used by the general public unless under the continual direct supervision of a competent, Fire-Department-approved employee of a [coin]] currency -operated dry-cleaning establishment or a person owning and operating such establishment.

F. No [coin] currency -operated dry-cleaning machine shall be used by any person who is less than seventeen (17) years of age. A suitable sign of such age restriction must be prominently posted.

G. All [coin]] currency -operated dry-cleaning machines shall be fitted with a device which would prevent the opening of the door of any such machine:

(1) While such machine is in operation; and

(2) Until all solvent vapors have been removed from any textile, fabric, garment or other article and from the drum in which the same shall be placed.

H. In the event that perchlorethylene or any chlorinated hydrocarbon is a component part of any solvent used in a [coin]] currency -operated dry-cleaning machine, then such dry-cleaning machine shall not be used:

(1) If the odor of perchlorethylene or any chlorinated hydrocarbon is masked or altered in any fashion; and

(2) If the concentrations of solvent vapor of such perchlorethylene or chlorinated hydrocarbon is greater than two hundred (200) parts of such vapor to one million (1,000,000) parts of air at any time and anywhere in the establishment in which such [coin]] currency -operated dry-cleaning machines are in use.

No [coin]] currency -operated dry-cleaning machine shall be used unless directly in behind any such machine there are gutters leading to a buried drain tank of sufficient size to accept all solvent contained in all coin-

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE (CONTINUED)

operated dry-cleaning machines in the establishment. Said gutters shall be so arranged as to cause solvent to drain into such tank by means of gravity flow.

J. No [coin]] currency -operated dry-cleaning machine may be located within twenty-five (25) feet of any gas-fired dryer or similar gas-fired device.

K. In any [coin]] currency -operated dry-cleaning establishment, solvent-storage tanks, power boxes and other sources of danger shall be so situated as to be inaccessible to the general public.

L. All [coin]] currency -operated dry-cleaning establishments shall have two (2) exits which shall be at least twenty-five (25) feet apart from each other and shall lead directly to the street, one (1) front and one (1) rear, rear exits accessible to the street.

M. Filter residue and other residues containing solvent shall be disposed of so as not to create a health hazard or nuisance. A locked covered metal container shall be used for temporary storage outside the building.

N. Each [coin] currency -operated dry-cleaning machine shall be provided with an exhaust which shall terminate to the outer air in the following manner:

(1) At least seven (7) feet above the roof, street, yard or court grade of the premises in which said machines shall be located.

(2) All exhausts shall be under static pressure by reason of a mechanical fan.

(3) The terminal of any exhaust shall be at least five (5) feet from any window or ventilating opening if said ventilating window or ventilating opening lies on the same plane as the exhaust terminal; when the ventilating windows or other ventilating openings lie on a plane which faces in the direction of the exhaust terminal, such terminal shall be at least ten (10) feet away from the same.

§ 30-19. Instructions to public.

A. All [coin] currency -operated dry-cleaning establishments shall prominently display lighted indoor signs warning the general public of the danger of excessive solvent vapor inhalation and skin irritation from unevaporated dry-cleaning solvent.

B. A step-by-step instruction list must be posted in a conspicuous location near the machine for customer use. A telephone number must be listed for emergency assistance.

C. The machine should be checked daily and kept in good repair. All maintenance personnel shall be familiar with all necessary machinery repairs and instructed as to the solvent hazards.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE (CONTINUED)

D. Only the solvent specified by the equipment manufacturer shall be used.

E. [Coin] Currency -operated dry-cleaning plants shall utilize only solvents classified as nonflammable or as nonflammable at ordinary temperatures and uses.

§ 30-20. Compliance with fire prevention regulations.

In addition to the above, all [coin] currency -operated dry-cleaning machines shall comply with the provisions of the Fire and Building Code of the City of Yonkers.

Section 3. That Chapter, 33 of the Code of the City of Yonkers, more commonly known as the Consumer Protection Code of the City of Yonkers, entitled "Business regulations, licenses and consumer protection" is hereby generally amended and revised in part, by amending Chapter 33 thereof, in part, to read as follows:

"PART IV,
BUSINESS REGULATIONS, LICENSES AND CONSUMER
PROTECTION
Chapter 33, NEWSRACKS

§ 33-2. Definitions.

NEWSRACK -- Any self-service or [coin] currency-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale of newspapers or other news periodicals and commonly known as "honor boxes." The use of the singular herein shall include the plural.

§ 33-3. General regulations.

C. Each newsrack shall be equipped with a coin or currency -return mechanism in good working order so as to permit a person inserting a coin or currency to secure an immediate refund in the event that the newspaper or news periodical offered for sale therein is not received by that person for any reason."

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE (CONTINUED)

Section 4. This Ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

GENERAL ORDINANCE

6. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

AN ORDINANCE CONFIRMING THE TAX ROLL FOR WESTCHESTER COUNTY TAXES, INCLUDING SEWER DISTRICT TAXES AND REFUSE DISPOSAL DISTRICT TAXES, FOR THE CALENDAR YEAR 2015, AND LEVYING AND ASSESSING THE TAXES CONTAINED THEREIN.

The City of Yonkers, in the City Council convened, hereby ordains and enacts:

Section 1. The apportionment and extension of the assessment roll of Westchester County Taxes for the calendar year 2015, including sewer district taxes and refuse disposal district taxes, having been completed by the City Assessor at the direction of the City Council, said apportionment and extension constitutes the tax rolls for Westchester County Taxes and said taxes are hereby levied and assessed on the real property appearing thereon as therein set forth.

Section 2. The Mayor is authorized to sign and attach to such tax rolls a warrant under the corporate seal of the City allowing the City Comptroller to collect, in the manner provided by law, the taxes set forth therein, and the City Assessor is hereby directed to deliver the said tax rolls to the Comptroller.

Section 3. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION

7. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

WHEREAS, the City of Yonkers and The Mutual Aid Association of the Paid Fire Department of the City of Yonkers, New York, Inc., Local 628, I.A.F.F., are parties to a collective bargaining agreement that expired on June 30, 2009; and

WHEREAS, the City of Yonkers and Local 628, I.A.F.F., in a desire for further labor stability, have engaged in negotiations to reopen and modify the agreement and have reached accord on said modifications; and

NOW, THEREFORE, BE IT RESOLVED, that the collective bargaining agreement in effect between the City of Yonkers and The Mutual Aid Association of the Paid Fire Department of the City of Yonkers, New York, Inc., Local 628, I.A.F.F., AFL-CIO which expired on June 30, 2009, is hereby modified by the terms of the attached Memorandum of Agreement, which is hereby approved.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION

8. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

RESOLUTION RELATING TO THE RELEASE OF CERTAIN FUNDS HELD FOR A STUDY RELATED TO THE FEASIBILITY OF CONSTRUCTION OF ONE OR MORE HIGHWAY RAMPS CONNECTING THE SPRAIN BROOK PARKWAY TO RIDGE HILL.

WHEREAS, in January 2007, the City of Yonkers entered into a stipulation agreement with FC Yonkers Associates, LLC (hereinafter, FC Yonkers) the Town of Greenburgh, together with the Villages of Ardsley and Hastings-on-Hudson (the "Municipal Petitioners"), and certain named individuals, which terminated two proceedings commenced in Westchester County Supreme Court, both titled the Town of Greenburgh et. al. v the City Council of the City of Yonkers et. al., and bearing Index Nos. 5939-06 and 22251-06; and

WHEREAS, among other matters, the stipulation agreement provided for the formation of an inter-municipal task force to study the feasibility of construction of one or more highway ramps connecting the Sprain Brook Parkway to Ridge Hill (the "Sprain Ramps Project"); and

WHEREAS, the stipulation agreement further provided for a sum of \$500,000.00 to be made available to the inter-municipal task force by FC Yonkers Associates, LLC ("FC Yonkers") for the costs of determining the feasibility of, and designing and funding the Sprain Ramps Project (the "Feasibility Fund"); and

WHEREAS, the monies earmarked in the Feasibility Fund were to be dedicated solely to the study of potential Sprain Brook Parkway access alternatives; and

WHEREAS, seven (7) years have passed since the creation of the Feasibility Fund, and no meaningful progress has been made with regard to this study; and

WHEREAS, in accordance with the terms of the stipulation agreement, FC Yonkers recently contacted the Mayor's Office to request a return of monies held in the Feasibility Fund; and

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION (CONTINUED)

WHEREAS, the City of Yonkers hereby agrees that the monies in the Feasibility Fund should be released to the FC Yonkers Associates, LLC; and

NOW, THEREFORE, BE IT RESOLVED, that the remaining funds in the Feasibility Fund, minus costs and disbursements, may be released to FC Yonkers Associates, LLC so long as all of the affected task force members consent to the same; and be it further

RESOLVED, that the Mayor, or his/her designee, be permitted to execute any and all documents necessary to complete the transactions contemplated herein; and be it further

RESOLVED, that this resolution shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION

9. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

A RESOLUTION TO ISSUE A DETERMINATION OF SIGNIFICANCE PURSUANT 6 NYCRR PART 617 THE STATEWIDE IMPLEMENTING REGULATIONS PERTAINING TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") RELATING TO PLANNED MIXED USE IN THE INDUSTRIAL PARK (IP) ZONE.

WHEREAS, there is pending before the City Council an amendment to the Yonkers Zoning Ordinance to permit a new use category in the IP zone district; and

WHEREAS, the proposed use is called Planned Mixed Use development and permits the addition of limited retail and service uses to other permitted uses in this zone; and

WHEREAS, the proposed zone change has been reviewed as a Type I action under the State Environmental Quality Review Act ("SEQRA") requiring the City Council to comply with the Regulations promulgated pursuant to SEQRA; and

WHEREAS, the City Council has carefully considered the proposed action and has reviewed the attached Environmental Assessment Form and supplemental attachments and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified and carefully considered the relevant areas of environmental concern as are fully set forth in said Environmental Assessment Form to determine if these proposed actions will have a significant impact upon the environment; and

NOW, THEREFORE, BE IT RESOLVED, by the Yonkers City Council that based upon the City Council's review of the Environmental Assessment Form and supplemental attachments, and for the reasons set forth therein, the City Council hereby adopts a Negative Declaration, under SEQRA, that there will be no adverse impact on the environment from the proposed zoning amendment and that an Environmental Impact Statement is not required; and

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION (CONTINUED)

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION

10. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

A RESOLUTION TO ISSUE A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") RELATING TO THE PROPOSED SALE OF CITY OWNED PROPERTY, LOCATED AT 1086 NORTH BROADWAY TO SDC REALTY ACQUISITION LLC.

WHEREAS, there is pending before the City Council, a proposed Local Law authorizing the sale of City real estate located at 1086 North Broadway aka the Boyce Thompson Property (hereinafter the "Property"), and as further identified as Lot 66, at Block 3455 of Section 3 on the Official Tax Map of the City of Yonkers and,

WHEREAS, the City Council has determined that the proposed sale of the Property, has been reviewed as a Type I Action under the State Environmental Quality Review Act ("SEQRA"), requiring the City Council to comply with the Regulations promulgated pursuant to SEQRA, and

WHEREAS, the City Council has carefully considered the proposed action and has reviewed the attached Environmental Assessment Form and supplemental attachments and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified and carefully considered the relevant areas of environmental concern as are fully set forth in said Environmental Assessment Form to determine if this proposed action will have a significant impact upon the environment.

NOW, THEREFORE, BE IT RESOLVED by the Yonkers City Council that, based upon the City Council's review of the Environmental Assessment Form with supplemental attachments, if any, and for the reasons set forth therein, the City Council hereby adopts a Negative Declaration, pursuant to SEQRA, that there will be no adverse impact on the environment from the sale of the Property identified as Section 3, Block 3455, Lot 66 on the Official Tax Map of the City of Yonkers and also known as 1086 North Broadway.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION

11. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

WHEREAS, a request has been received whereby Waverly Arms Housing Development of Yonkers LLC , who is a contract vendee of property located at 133-141 Waverly St., Yonkers, New York, also known as Section 1, Block 478, lot 20 on the Official Tax Map of the City of Yonkers, to remove a condition of the City's right of reverter imposed by the City Council pursuant to Resolution No. 455-1970 and a deed of transfer conveyed in connection with a proposed housing project pursuant to Article XI of the New York State Private Housing Finance Law; and

WHEREAS, pursuant to said Resolution, the City granted the petition of the property owner, Waverly Arms Housing Development Fund Company Inc. (the "Owner") to acquire and then convey said property to the Owner for purposes of providing affordable housing pursuant to the applicable provisions of the New York State Private Housing Finance Law, subject to certain conditions which were contained in the deed of conveyance, including the right of reverter by the City, in the event of a failure to provide affordable housing; and

WHEREAS, pursuant to Resolution No. 455-1970, the Owner has operated the premises as a moderate income housing project pursuant to a regulatory agreement with the Department of Housing and Urban Development ("HUD") since August 3, 1971 for a period of at least forty (40) years, under which the Owner has received certain exemptions from City and Westchester County property taxes, while making certain payments in lieu of taxes pursuant to New York State Private Housing Finance Law; and

WHEREAS, following expiration of said forty year term, said regulatory agreement with HUD has been extinguished as of December 15, 2013;

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yonkers:

That the Owner has fully complied with the terms and conditions set forth pursuant to Resolution No. 455-1970; and That the right of reverter of the City imposed pursuant to Resolution No. 455-1970 and any deed of conveyance related thereto, be terminated; and The City consents to the transfer of said property, so long as the property remains affordable as defined pursuant to Article XV of the Code of the City of Yonkers; and That the City Assessor take any required steps to correct the City's assessment roll accordingly.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION

12. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

1. The City of Yonkers from time to time receives permits from the New York State Department of Transportation ("NYSDOT") allowing the City to temporarily obstruct, install, construct, maintain, operate or replace any facilities within the bounds of a State Highway right of way pursuant to Sections 52, 103, 203, and/or 234 of the Highway Law; and
2. The NYSDOT requires that the municipality file an undertaking to secure the City's faithful performance within the terms of any such permit and also to indemnify the State of New York and others with respect to all operations under such permits by the City; and
3. It is in the City's best interest to file an Undertaking as opposed to obtaining a performance bond and certificate of insurance; and
4. The Mayor is hereby authorized to execute the NYSDOT PERM 1 Undertaking in the form attached hereto, and that such Undertaking, unless rejected or terminated, shall have a term of twenty (20) years and shall be kept on file by NYSDOT to facilitate the issuance of future permits to which it will apply.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION

13. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

WHEREAS, the authorization for the City of Yonkers to negotiate the private sale of its bonds and notes is vital to improving the City's financial stability and independence; and

WHEREAS, the continuance of this power will allow more cost-effective financing of the City's debt; and

WHEREAS, the City's bonding authority will expire on June 30, 2014 unless it is extended for one (1) year; and

WHEREAS, Senate Bill No. S 6313 and its companion bill, Assembly Bill No. A 8450 have been introduced into the New York State legislature; and

WHEREAS, these bills will permit the private sale of bonds or notes by the City of Yonkers, subject to the approval of the State Comptroller; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby declares that the enactment of S 6313 and A 8450 are in the best interests of the City of Yonkers to extend until June 30, 2015, the City's authorization to negotiate the private sale of bonds and notes and is essential to improving the city's financial stability and independence; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the Legislature of the State of New York requesting the passage of the aforesaid bills.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION

14. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

WHEREAS, the City of Yonkers currently receives revenue from a Mortgage Recording Tax, the imposition of which is authorized under New York State Tax Law, Article 11, Section 253-d; and

WHEREAS, this Mortgage Recording Tax provides supplemental revenue to the City of Yonkers; and

WHEREAS, this Mortgage Recording Tax is set to expire by operation of law on August 31, 2015, unless said date is extended; and

WHEREAS, should the Mortgage Recording Tax expire, the loss of such revenue at this time will result in a gap between the revenues and expenditures of the City of Yonkers; and

WHEREAS, Senate Bill No. S 3878 and Assembly Bill No. A 4956 have been introduced into the New York State Legislature for the purpose of extending said authorization.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for Senate Bill No. S 3878 and Assembly Bill No. A 4956 to amend Section 253-d of Article 11 of the New York State Tax Law to extend until August 31, 2017, the Mortgage Recording Tax of the City of Yonkers; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to Legislature of the State of New York requesting the passage of the aforesaid bills.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION

15. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

WHEREAS, the City of Yonkers currently imposes an Income Tax Surcharge and a Non-resident Earnings tax authorized pursuant to Article 30A of the Tax Law of the State of New York; and

WHEREAS, said authorization is scheduled to terminate on September 30, 2015 unless said date is extended; and

WHEREAS, a necessity continues to exist for the revenues generated by the Income Tax Surcharge and the Non-resident Earnings tax in order to balance the budget in future fiscal years; and

WHEREAS, Senate Bill No. S.3879 and Assembly Bill No. A.5070 have been introduced into the New York State Legislature for the purpose of extending the Income Tax Surcharge and the Non-resident Earnings tax for a period of two years.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for passage of Senate Bill No. S.3879 and Assembly Bill No. A.5070 to amend Article 30A of the New York State Tax Law to extend the termination date of the Income Tax Surcharge and the Non-resident Earnings tax until September 30, 2017 to allow the continuation of these necessary revenues; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the Legislature of the State of New York requesting the passage of the aforesaid bills.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION

16. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS BREEN, JOHNSON, PINEDA AND SHEPHERD:

A RESOLUTION EXTENDING A PLANNED URBAN REDEVELOPMENT SPECIAL USE PERMIT UNTIL SEPTEMBER 21, 2015 ON PROPERTIES KNOWN AS PARCELS B & C OF THE YONKERS WATERFRONT; ALSO KNOWN AS BLOCK 2605, LOTS: 73 & 75 PURSUANT TO CHAPTER 43, ARTICLE VII OF THE YONKERS ZONING ORDINANCE.

WHEREAS, on March 21, 2013, the City Council adopted Resolution 50-2013 approving a Planned Urban Redevelopment (PUR) Special Use Permit on properties identified as Parcels B and C of the Yonkers Waterfront, also known as Block 2605, Lots 73 & 75 on the Tax Assessment Map of the City of Yonkers; and

WHEREAS, the request for an additional one year extension has already been submitted to and approved by the City of Yonkers Planning Board on June 11, 2014; and

WHEREAS, upon review of the application and the record before it, this City Council believes it be in the best interest of the City to approve the actions taken by the Planning Board and grant said extension until September 10, 2015, subject to the special use permit conditions previously approved by the Planning Board and the City Council; and

WHEREAS, pursuant to Section 43-102 of the Yonkers City Code, the approving agency may, among other things, when reasonable, waive requirements as contained in Article IV for the approval of site plans submitted for site plan approval as contained in Article IX upon a showing that compliance with such requirements would result in unnecessary hardship and that the benefits to the City of Yonkers of granting such a waiver outweigh the detriments thereof; and

WHEREAS, the Collins Company has been an integral part of the rebirth of the Yonkers Waterfront since the 1990s; developed over \$100,000,000 in apartments as part of Phase 1 and Phase 2 but was caught up in the Great Recession and Super Storm Sandy when attempting to close on the financing and development of the third and final phase; such that an extension to September 21, 2015 accommodate development with newly identified financing sources is warranted; and

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

RESOLUTION (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled and in accordance with Chapter 43, Section 43-55, that upon the record and findings of the Planning Board with respect to the application submitted pursuant to Article VII, Section 43-72 C of the Zoning Code of the City of Yonkers for a Planned Urban Redevelopment Special Use Permit at Block 2605, Lots 73 & 75 on the Tax Assessment Map of the City of Yonkers on property known as Parcels B and C on the Yonkers Waterfront, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, subject to the conditions set forth in Resolution 50-2013; and be it further

RESOLVED, that this Resolution shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2015

COMMITTEE REPORTS